

Message

From: payne.james@epa.gov [payne.james@epa.gov]
Sent: 5/18/2021 3:57:57 PM
To: Engelman-Lado, Marianne [EngelmanLado.Marianne@epa.gov]
Subject: Re: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 Attorney Client (AC)

Sent from my iPhone

On May 17, 2021, at 2:48 PM, Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov> wrote:

FYI.

Sent from my iPhone

Begin forwarded message:

From: "Clarke, Victoria" <clarke.victoria@epa.gov>
Date: May 17, 2021 at 11:38:05 AM EDT
To: "Engelman-Lado, Marianne" <EngelmanLado.Marianne@epa.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Okay, very good.

Ex. 5 Attorney Client (AC)

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: 202-336-9101

From: Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>
Sent: Monday, May 17, 2021 9:27 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Good to know.

Ex. 5 Attorney Client (AC)

Thanks again,

Marianne

From: Clarke, Victoria <clarke.victoria@epa.gov>
Sent: Monday, May 17, 2021 9:17 AM
To: Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Hi Marianne,

Ex. 5 Attorney Client (AC)

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel | Ethics Office
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
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From: Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>
Sent: Sunday, May 16, 2021 7:06 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: New Decision - Hardeman v. Monsanto (9th Cir.)

Victoria,

Ex. 5 Attorney Client (AC)

Thanks,

Marianne

From: Aranda, Amber <aranda.amber@epa.gov>
Sent: Friday, May 14, 2021 4:36 PM
To: OGC Immediate Office All <OGC_Immediate_Office_All@epa.gov>
Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>
Subject: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 AC/AWP

A more detailed discussion of this case will be provided after further discussion with DOJ and the OPP.

Amber L. Aranda
Environmental Protection Agency
Office of General Counsel
202) 564-1737

From: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>
Sent: Friday, May 14, 2021 12:28 PM
To: Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; justin.smith@usdoj.gov; Koch, Erin <Koch.Erin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Aranda, Amber <aranda.amber@epa.gov>
Subject: hardeman v monsanto decision

The 9th Circuit opinion in the Hardeman v. Monsanto case just came out. This is the case where we filed an amicus brief arguing that any California state-based labeling requirements were preempted by FIFRA. The 9th Cir. affirmed the judgment of the district court and found that California law was consistent with FIFRA. I haven't read the decision yet (it's long). I'll follow up if there is more to report.

Matt Oakes
Senior Counsel
United States Department of Justice
Environment and Natural Resources Division
Law and Policy Section
(202) 532-3129 (cell)